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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

HO, CHUONG T

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,027

Applicant(s)

ODENWALDER ET AL.

Examiner

Chuong Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: .

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1. Claims 1-23 are pending

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al. (US 2002/0167992 A1) in view of Hsu et al. (US 6,665,309 B2).

In the claim 1, Das et al. discloses Code Division Multiple Access (CDMA) that comply with the cdma2000 1xEV-DV standard, there are two control channels per data channel...The first control channel, which is called the primary control channel, contains timing information for the user information. The second control channel, which is called the secondary control channel, contains various information that describe the format and the identification of the user information being transmitted over the data channel (see col. 1, lines 55-65); comprising:

- ◆ generating a first control channel comprising an indicator and parameters of the traffic channel (see page. 1, [0006], lines 58-64, the first control channel, which is called the primary control channel, contains timing information for the user information, see page 1, [0009] lines 25-40, the primary control channel contains information about the particular

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time slot or slots to which a sub-packet in a particular data channel is assigned, see page 3 [0019] lines 15-25);

- ◆ generating at least one second control channel, each of said at least one second control channel comprising an identity (MAC ID) of at least one subscriber (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) and information enabling the subscriber station to demodulate (decode) the traffic channel (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

However, Das et al. is silent to disclosing generating a first control channel comprising an indicator that a traffic channel is to be shared.

Hsu et al. discloses the present invention relates generally to a manner by which to facilitates efficient radio resource utilization in a radio communication system that utilizes shared channels, such as 1xEV-DV forward shared channels defined in CDMA 2000 cellular communication system that provides 1xEV-DV data services. More particular, the present

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invention relates to apparatus, and an associated method, by which to allocate, control, manage the shared channel through the generation of CDM (code division multiplexing) assignment information (see col. 1, lines 15-20); comprising:

- ◆ generating a first control channel comprising an indicator that a traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Das with the teaching of Hsu to generating a first control channel comprising an indicator that a traffic channel is to be shared in order to improve the throughput of the system by allowing multiple mobile station to monitor a single shared, control channel, i.e., the shared, control channel that is assigned to the particular mobile station.

4. In the claim 8, Das et al. discloses Code Division Multiple Access (CDMA) that comply with the cdma2000 1xEV-DV standard, there are two control channels per data channel...The first control channel, which is called the primary control channel, contains timing information for the user information. The second control channel, which is called the secondary control channel, contains various information that describe the format and the identification of the user information being transmitted over the data channel (see col. 1, lines 55-65); comprising:

- ◆ demodulating a second control channel comprising identity of a subscriber station and information enabling the subscriber station to demodulate a traffic channel (see page. 1,

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[0006], lines 58-64, the first control channel, which is called the primary control channel, contains timing information for the user information, see page 1, [0009] lines 25-40, the primary control channel contains information about the particular time slot or slots to which a sub-packet in a particular data channel is assigned, see page 3 [0019] lines 15-25);

- ◆ demodulating (decoding) the traffic channel in accordance with determined multiplexing and the enabling information if the acquired identity is identical to an identity of the subscriber station (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

However, Das et al. is silent to disclosing generating a first control channel comprising an indicator that a traffic channel is to be shared.

Hsu et al. discloses the present invention relates generally to a manner by which to facilitates efficient radio resource utilization in a radio communication system that utilizes shared

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channels, such as 1xEV-DV forward shared channels defined in CDMA 2000 cellular communication system that provides 1xEV-DV data services. More particular, the present invention relates to apparatus, and an associated method, by which to allocate, control, manage the shared channel through the generation of CDM (code division multiplexing) assignment information (see col. 1, lines 15-20); comprising:

- ◆ demodulating a first control channel to determine whether a traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62);
- ◆ determining a number of subscriber stations sharing a traffic channel and multiplexing of the traffic channel in accordance with said demodulated first control channel if the traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62);

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Das with the teaching of Hsu to generating a first control channel comprising an indicator that a traffic channel is to be shared in order to improve the throughput of the system by allowing multiple mobile station to monitor a single shared, control channel, i.e., the shared, control channel that is assigned to the particular mobile station.

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5. In the claim 13, Das et al. discloses Code Division Multiple Access (CDMA) that comply with the cdma2000 1xEV-DV standard, there are two control channels per data channel...The first control channel, which is called the primary control channel, contains timing information for the user information. The second control channel, which is called the secondary control channel, contains various information that describe the format and the identification of the user information being transmitted over the data channel (see col. 1, lines 55-65); comprising:

- ◆ generating a first control channel comprising an indicator and parameters of the traffic channel (see page. 1, [0006], lines 58-64, the first control channel, which is called the primary control channel, contains timing information for the user information, see page 1, [0009] lines 25-40, the primary control channel contains information about the particular time slot or slots to which a sub-packet in a particular data channel is assigned, see page 3 [0019] lines 15-25);
- ◆ generating at least one second control channel, each of said at least one second control channel comprising an identity (MAC ID) of at least one subscriber (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one

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- group of sub-packets from another group) and information enabling the subscriber station to demodulate (decode) the traffic channel (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information);
- ◆ transmitting the control channel; demodulating the received first control channel (see page 1, [0006], lines 58-64, the first control channel, which is called the primary control channel, contains timing information for the user information, see page 1, [0009] lines 25-40, the primary control channel contains information about the particular time slot or slots to which a sub-packet in a particular data channel is assigned, see page 3 [0019] lines 15-25);
 - ◆ demodulating (decoding) a second comprising identity of a subscriber station and information enabling the subscriber station to demodulate a traffic channel; and demodulating the traffic channel in accordance with said determined multiplexing and the enabling information if the acquired identity is identical to an identity of the subscriber station (see page 1, [0008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to

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demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

However, Das et al. is silent to disclosing generating a first control channel comprising an indicator that a traffic channel is to be shared.

Hsu et al. discloses the present invention relates generally to a manner by which to facilitates efficient radio resource utilization in a radio communication system that utilizes shared channels, such as 1xEV-DV forward shared channels defined in CDMA 2000 cellular communication system that provides 1xEV-DV data services. More particular, the present invention relates to apparatus, and an associated method, by which to allocate, control, manage the shared channel through the generation of CDM (code division multiplexing) assignment information (see col. 1, lines 15-20); comprising:

- ◆ generating a first control channel comprising an indicator that a traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Das with the teaching of Hsu to generating a first control channel comprising an indicator that a traffic channel is to be shared in order to improve the

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throughput of the system by allowing multiple mobile station to monitor a single shared, control channel, i.e., the shared, control channel that is assigned to the particular mobile station.

6. In the claims 2, 14, Hsu et al. discloses generating a first control channel comprising an indicator that a traffic channel is to be shared and a parameter of a traffic channel comprises: generating a first control channel comprising an indicator that a traffic channel is to be shared and a number of subscriber stations sharing a unit of the traffic channel (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

7. In the claims 3, 15, Das discloses generating at least one second control channel, each of said at least one second control channel comprising an identity (MAC ID) of at least one subscriber station and information enabling the subscriber station to demodulating the traffic channel comprising: generating at least one second control channel, each of said at least one second control channel comprising an identity of at least one subscriber station and number of code channels encoding the unit of the traffic channel see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted

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or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

8. In the claims 4, 16, Hsu discloses transmitting the first control channel at a power required by subscriber station with the worst forwarding link quality metric for which the first control channel is intended (see col. 5, lines 66-67, col. 6, lines 1-3).

9. In the claims 5, 17, Das discloses transmitting each of the at least one second control channel at a power required by a subscriber station for which the at least one second control channel is intended (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

10. In the claims 6, 18, Hsu discloses generating a first control channel comprising an indicator that a traffic channel is to be shared and a parameters of a traffic channels comprising: generating a first control channel comprising an indicator that a traffic channel is to be shared, a first number of sub-divisions of a unit of the traffic channel, and a second number of subscriber

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station sharing the unit (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

11. In the claims 7, 19, Das et al. discloses generating at least one second control channel, each of said at least one second control channel comprising an identity (MAC ID) of at least one subscriber station and information enabling the subscriber station to demodulate the traffic channel comprises: generating at least one second control channel, each of said at least one second control channel comprising an identity of at least one subscriber station and starting subdivision of the unit of the traffic channel (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

12. In the claims 9, 20, Das et al. discloses repeating said demodulating for another second control channel if the identity is not identical to an identity of the subscriber station and another second control channel is transmitted (see page 1, [008] lines 20-25, the second control channel

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information includes the MAC ID of the sub-packet which identifies a user on shared channel.

The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

13. In the claims 10, 21, Hsu et al. disclosing demodulating a first control channel to determine whether a traffic channel is to be shared comprises: demodulating a pre-determined control channel (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

14. In the claims 11, 22, Das et al. discloses demodulating (decoding) the traffic channel in accordance with said determined multiplexing and the enabling information if the acquired identity is identical to an identity of the subscriber station comprises: determining a size of traffic channel unit and a number of code channel (Wash codes) in accordance with the enabling information if the traffic channel unit is code multiplexed; and demodulate the traffic channel unit (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information

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further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

15. In the claims 12, 23, Das et al. discloses demodulating (decoding) the traffic channel in accordance with the enabling information if the acquired identity is identical to an identity of the subscriber station comprises: determining a number of sub-divisions of traffic channel unit and a starting sub-division in accordance with the enabling information if the traffic channel unit is time multiplexed; and demodulate the traffic channel unit (see page 1, [008] lines 20-25, the second control channel information includes the MAC ID of the sub-packet which identifies a user on shared channel. The secondary channel information further includes: (1) Sub-packet ID which identifies a particular sub-packet being transmitted over a data channel; (2) Automatic Retransmission reQuest (ARQ) channel ID which identifies a logical ARQ channel; (3) New packet indication which identifies the first sub-packet of a group of sub-packets being transmitted or acts to demarcate one group of sub-packets from another group) (see page 3, [0019] lines 15-30, the receiving equipment will descramble the received secondary information accordingly and then decode the information).

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Double Patenting

16. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

17. Claims 1-5 of the application serial number 09/981,027 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-5 of Application serial No.09/978,425 . This is a double patenting rejection.

18. Claim 8 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of the applicaiton serial No. 09/978,425 in view of Hsu (U.S.Patent No. 6,665,309 B2).

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In the claim 8, claim 6 of the applicaiton serial No. 09/978,425 discloses all limitations of claim 8 of application serial number 09/981,027.

However, Das et al. is silent to disclosing generating a first control channel comprising an indicator that a traffic channel is to be shared.

Hsu et al. discloses the present invention relates generally to a manner by which to facilitates efficient radio resource utilization in a radio communication system that utilizes shared channels, such as 1xEV-DV forward shared channels defined in CDMA 2000 cellular communication system that provides 1xEV-DV data services. More particular, the present invention relates to apparatus, and an associated method, by which to allocate, control, manage the shared channel through the generation of CDM (code division multiplexing) assignment information (see col. 1, lines 15-20); comprising:

- ◆ generating a first control channel comprising an indicator that a traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the application serial number 09/978,425 with the teaching of Hsu to generating a first control channel comprising an indicator that a traffic channel is to be shared in order to improve the throughput of the system by allowing multiple mobile station to monitor a

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single shared, control channel, i.e., the shared, control channel that is assigned to the particular mobile station.

19. Claim 13 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of the applicaiton serial No. 09/978,425 in view of Hsu (U.S.Patent No. 6,665,309 B2).

In the claim 13, claim 12 of the applicaiton serial No. 09/978,425 discloses all limitations of claim 13 of application serial number 09/981,027.

However, Das et al. is silent to disclosing generating a first control channel comprising an indicator that a traffic channel is to be shared.

Hsu et al. discloses the present invention relates generally to a manner by which to facilitates efficient radio resource utilization in a radio communication system that utilizes shared channels, such as 1xEV-DV forward shared channels defined in CDMA 2000 cellular communication system that provides 1xEV-DV data services. More particular, the present invention relates to apparatus, and an associated method, by which to allocate, control, manage the shared channel through the generation of CDM (code division multiplexing) assignment information (see col. 1, lines 15-20); comprising:

- ◆ generating a first control channel comprising an indicator that a traffic channel is to be shared (see col. 2, lines 64-67, col. 3, lines 1-7, lines 10-15, lines 39-43, lines 51-60, col. 4, lines 24-28, lines 48-51, lines 66-67, col. 5, lines 66-67, col. 6, lines 45-47, col. 7, lines 5-10, lines 54-58, col. 8, lines 1-3, lines 55-62).

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Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the application serial number 09/978,425 with the teaching of Hsu to generating a first control channel comprising an indicator that a traffic channel is to be shared in order to improve the throughput of the system by allowing multiple mobile station to monitor a single shared, control channel, i.e., the shared, control channel that is assigned to the particular mobile station.

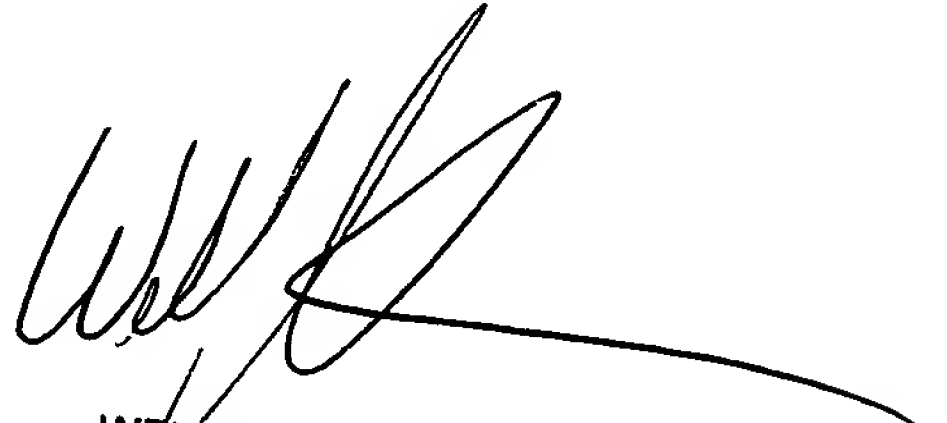
Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9am to 3pm.
21. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington, Chin, can be reached on (703)305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703) 305-3900.

CH

Date 01-21-04.


WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600